THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO : 14753 of 1996

-

DATED: 31-01-2006

R.Ramchander & another.

..... PETITIONERS

AND

The Mandal Revenue Officer,
Nacharam Village, Uppal Mandal,
Ranga Reddy District & 5 others.

.....RESPONDENTS

ORDER:

The case of the petitioners is that 1st petitioner is the owner of Ac.17.18 guntas in S.Nos. 75/1, 77, 72 and 69/1 and 2 of Nacharam, having purchased it under a registered sale deed dated 02-03-1950, and that he applied for conversion of the said land, and after a lay out was sanctioned by the Nacharam Gram Panchayat he sold the plots to the members in the 2nd petitioner-society and delivered possession of those plots to the purchasers from 1967 to 1975 and that on 21-07-1996 some of the members of the 2nd petitioner-society informed the 1st petitioner that there is interference with their possession by third-parties and on enquiry made by the 1st petitioner he came to know that the father of respondents 3 to 6 made an application to the Mandal Revenue Officer, Uppal MandaL (1st respondent) for a certificate under Section 5-A of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act) for regularization of a transaction of sale of land in S.Nos.72, 75/1 and 77 admeasuring Ac.4.21 guntas, made in favour of Udugula Narsaiah, father of the respondents 3 and 4, and that

1st respondent, by his order dated 04-04-1994, regularized that sale transaction, and

since no notice was issued to him in the proceedings initiated under Section 5-A of the Act regularizing the sale in favour of third-parties, the said order dated 04-04-1994, of the 1st respondent, is liable to be set aside.

2. Petition against respondents 3 to 6 was dismissed for default as per the order dated 14-02-2003.

3. Though the petition is filed in 1993 respondents 1 and 2 did not choose to file their counter affidavits till today.

4. The contention of the learned counsel for the petitioners is that since 1st petitioner was not served with any notice in the proceedings initiated under Section 5-A of the Act, the order impugned is irregular and is liable to be set aside.

5. Learned Assistant Government Pleader seeks time to get instructions. I see no ground to grant further time because the case is of the year, 1996.

6. This petition is liable to be dismissed *in limine* inasmuch as the persons in whose favour the order impugned was passed i.e. respondents 3 to 6 are not before this Court as the petition against them was dismissed as long back as on 14-02-2003.

7. Even otherwise also this petition is liable to be dismissed because petitioners failed to avail the more effective and efficacious remedy of appeal before filing this petition. Petitioner who produced a copy of the order dated 04-04-1994, could have as well obtained a certified copy thereof and preferred an appeal to the Revenue Divisional Officer. Question whether the procedure prescribed under the Act was followed or not, can as well be gone into by the appellate authority.

8. Hence, the Writ Petition is dismissed. No costs.

(C.Y.SOMAYAJULU,J)

31st January, 2006

Tsy